

**Development Review Board  
City of Durham and Durham County  
Rules of Procedure  
Adopted January 6, 2006**

***I. AUTHORITY***

These rules of procedure are adopted under the authority granted by the Charter of the City of Durham, NCGS 160A Article 19 to the City of Durham, NCGS 153A Article 18, to Durham County, and any other general or special statutes of the State of North Carolina.

***II. MEMBERSHIP / ORGANIZATION***

A. The Development Review Board (DRB) shall consist of members as established by ordinance.

B. A roster of DRB members will be maintained in the Planning Department and available for public review. Each member may designate an alternate, who may serve in the member's absence and have the same powers and duties as the regular member.

C. A **Chair** shall be elected annually by a majority vote of the membership, at the first meeting of the fiscal year. The Chair shall preside over all meetings, appoint such committees as needed, shall decide all points of order and procedure and shall affix his or her signature in the name of the board to any correspondence or other documents. The Chair may vote on all matters, except upon the Chair's own rulings.

D. A **Vice-chair** shall be elected annually by a majority vote of membership, at the first meeting in the fiscal year. The Vice-chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters, which come before the board during the absence of the Chairman.

E. All **officers** shall be general members (eligible to vote on all matters), serve for one (1) year, and be eligible for reelection.

F. A City-County Planning staff member shall serve as **Clerk** and shall have the authority to stamp and sign approved plans. The Clerk shall maintain a record of all meetings, transactions, and findings of the board, and perform such other duties as the board may direct by resolution.

***III. POWERS AND DUTIES***

A. The DRB shall have the following powers and duties:

1. Provide review of land use and development proposals (site plans etc.) with approval of certain plans and recommendations to Governing Bodies on other plans as specified in the Durham City-County Zoning Ordinance, the Durham Subdivision Ordinance and the Unified Development Ordinance.

2. Monitor existing ordinances, adopted plans and development standards and recommend changes in order to improve planning and development within the jurisdiction.
3. Review revisions to development proposals for approval or recommendation to Governing Bodies.
4. Recommend installation of street and utility improvements related to development proposals.
5. Perform other duties as directed by the Governing Bodies.

#### ***IV. MEETINGS***

**A. Meetings.** The DRB shall hold meetings at least twice monthly or as necessary to conduct its business in a timely manner. All meetings are open to the public.

1. **Time and Date.** Regular meetings shall be held on Fridays beginning at 8:30 A.M. with at least two meetings monthly. The Chair in conjunction with the Clerk, may schedule additional meetings, cancel regular meetings, or reschedule meetings as may be necessary to conduct business in a timely manner.

2. **Place.** Meetings shall be held in City Hall, 101 City Hall Plaza, Durham, NC. When deemed necessary, the meetings may be held at other locations determined by the Chair, in conjunction with the Clerk. Alternate meeting locations shall be posted in City Hall.

3. **Notice.** The Clerk shall provide notice of the meetings to the DRB members and to the public not less than 48 hours prior to the meeting time, as required by the open meeting law.

a. The Clerk shall make copies of the agenda available the day before the scheduled meeting date.

b. The Clerk shall also post a copy of the DRB agenda on the Planning Department web site the day before the meeting.

**B. Quorum.** A quorum for regular business shall consist of five (5) members if approval is granted under the Zoning and/or Subdivision Ordinances and six (6) members if approval is granted under the Unified Development Ordinance. If any regular board member is absent from any meeting or hearing, or disqualifies himself or herself from sitting on a particular case and the number of voting members is less than a quorum, the item cannot be voted on.

**C. Voting.** Any member other than the Chair may make or second motions related to decisions and recommendations. A motion will fail for a lack of a second.

**1. Motions.** Motions may be determined by voice vote, or at the request of any member or by direction of the Chair, by roll call. The Chair declares all votes. If a member doubts the vote, a roll call is ordered.

- a. All motions by the DRB to decide or recommend on an application require a majority of “aye/yes” votes from those present and voting to pass.
- b. A motion that does not get a majority of the “aye/yes” votes from the quorum, fails. On all tie votes the motion fails.

**2. Pass.** Members shall be required to vote on all motions unless a conflict of interest exists. Members who do not announce their vote and are otherwise required to vote shall be recorded as voting “aye” or “yes” on any motion.

**3. Change of Vote.** After completion of a roll call any member may change their vote provided the change occurs before the announced result.

**4. Suspension of Rules.** A unanimous vote of those present and voting is required to suspend any rule of the DRB.

**D. Chair.** The Chair shall preside over all meetings. In the absence or at the request of the Chair, the Vice-chair shall preside. If neither officer can be present for a scheduled meeting or serve on a specific case, the immediate past Chair, followed by the immediate past Vice-chair shall preside.

**E. Rules of Procedure.** Robert’s Rules of Order shall govern the actions of the DRB not covered by the ordinances adopted by the City and/or County.

**F. Conflict of Interest.** If any member finds it necessary to disqualify themselves from sitting on a particular case, that member shall notify the Chair as soon as possible. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member, or another member of the board, or a member of the public, may request the board to vote on the question of disqualification. Any such request shall be made prior to consideration of the item on which the question of disqualification has been raised. Any disqualified member shall absent himself or herself from the board table during the public meeting, and during the deliberation on the case.

#### **G. Public Meeting.**

**1. Order of Business.** The general order of business for regular meetings shall be as follows:

- a. Call to order
- b. Adjustments to the agenda
- c. Consent agenda
- d. County of Durham cases
- e. City of Durham cases
- f. Items for discussion
- g. Adjournment

**2. Presentation of Cases.** Conduct of public meeting shall be governed by the following rules:

- a. The Chair shall call the application.
- b. The Planning staff shall present the case to the Board including a brief summary of the application, identification of significant corrections or issues, and identify all variations, reductions or determinations that will need separate action by the Board.
- c. The applicant shall be allowed to speak.
- d. Those in opposition shall be allowed to speak.
- e. Rebuttals as permitted by the Chair.
- f. The Chair shall close the public input portion of each application and return the item to the Board for appropriate action.

**3. Applicant's Responsibility.** The applicant is responsible for the submittal of case materials to the Planning Department per the filing schedule.

- a. The applicant is also responsible to attend the scheduled meeting and present, to the DRB, arguments in support of the case.
- b. All materials submitted to the DRB shall be entered as evidence into the record.
- c. If the applicant makes no appearance at the meeting, the DRB may continue the case review to another meeting or dispose of the matter on the record after the Planning Department's report and review of the submitted materials.

**4. Orderly Procedure.** Orderly procedure requires that each presentation proceed without interruption.

- a. No person shall be permitted to speak unless recognized by the Chair, who may permit persons to speak on any agenda item.
- b. All discussion shall be addressed to the DRB. Questioning or arguments between individuals in attendance at the meeting shall not be permitted.
- c. When a member of the DRB, staff, applicant or public wishes to speak, that person shall first address the Chair to be recognized. Upon being recognized, the person shall state their name before speaking.
- d. When more than one member addresses the Chair, the Chair shall decide who is to speak first.
- e. The Chair and DRB may direct any question to any person speaking in order to bring out relevant facts, circumstances and conditions affecting the case, and may call for questions from staff.
- f. A majority vote of the membership shall be required to take any matter under advisement for later consideration and determination, or to defer action when it is concluded that additional material is needed or further study is required.

## ***V. APPLICATIONS***

A. Each application shall be made on forms provided by the Durham City-County Planning Department and shall include all information requested in the instructions.

Prior to preparation of a meeting agenda, the Chair, or a designee, will review all applications received for completeness and readiness for consideration by the Board.

B. The Board may take the following actions on any application: approve, approve subject to corrections, defer or denial.

C. All adjustments or modifications to standards established by the Ordinance, that the DRB is authorized to make that require a finding or determination by the DRB shall be considered and acted on by the Board in a separate motion, which clearly describes the basis of the finding or determination, prior to action on the proposed development.

#### ***VI. ANNUAL REPORT***

The DRB shall prepare an annual report and submit it to the Board of Commissioners and the City Council. The annual report shall include a comprehensive report of the activities, problems and actions of the Development Review Board and any budget requests or other recommendations.

#### ***VII. AMENDMENT***

These Rules of Procedure may be amended by a majority vote of the membership.